

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARC REICHBART, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-01876-NIQA

CLASS ACTION

JOSEPH STALLONE, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-01901-NIQA

CLASS ACTION

ALISON CROTEAU, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-01946-NIQA

CLASS ACTION

KEVIN BROOKS, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02007-NIQA

CLASS ACTION

JESSE R. APTHORP, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02024-PD

CLASS ACTION

MICKEY HWANG, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02033-NIQA

CLASS ACTION

SOPHIE CAHEN VORBURGER, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02045-NIQA

CLASS ACTION

DANA KERR, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02075-NIQA

CLASS ACTION

DERRICK VINES and BRADFORD WICKS,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

FINANCIAL BUSINESS AND CONSUMER
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02085-NIQA

CLASS ACTION

GRIFFIN R. WAGNER, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02119-NIQA

CLASS ACTION

JEROME FRASIER, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02121-NIQA

CLASS ACTION

DUSTIN BUSBY, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02129-TJS

CLASS ACTION

TIMOTHY COURTNEY, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER
SOLUTIONS, INC. d/b/a FBCS, INC.,

Defendant.

Case No. 2:24-cv-02153-NIQA

CLASS ACTION

ONIEQUE MORGAN, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

FINANCIAL BUSINESS AND CONSUMER
SOLUTIONS, INC.,

Defendant.

Case No. 2:24-cv-02163-NIQA

CLASS ACTION

**COORDINATED PLAINTIFFS' RESPONSE TO INTERVENOR
BUSBY'S MOTION TO INTERVENE AND SET DEADLINE FOR
MOTIONS TO APPOINT INTERIM CO-LEAD COUNSEL**

A. Relevant Background

These putative class actions arise out of a data breach at Defendant Financial Business and Consumer Solutions, Inc. ("FBCS") that compromised the sensitive information of over 3.2 million people.¹ Plaintiff Marc Reichbart filed the initial case in this Court on May 2, 2024. Since

¹ See <https://apps.web.maine.gov/online/aeviewer/ME/40/831407a3-f5cb-4531-968f-8b507ee993dd.shtml> (last visited June 3, 2024).

that time, 13 additional related cases have been filed.

On May 6, 2024, Plaintiff Reichbart filed a motion seeking to consolidate his case with the second-filed case (filed by Plaintiff Stallone), along with other related cases that may be subsequently filed, pursuant to Fed. R. Civ. P. 42. ECF No. 3. That motion also sought to appoint Plaintiffs' counsel in the *Reichbart* and *Stallone* actions as interim co-lead counsel pursuant to Fed. R. Civ. P. 23(g). ECF No. 3.

On May 22, 2024, Plaintiff Reichbart filed an amended motion to consolidate and appoint class counsel ("Amended Motion"). ECF No. 8. The Amended Motion sought to consolidate the 14 cases then pending in this Court and requested that the Court appoint a more inclusive leadership team comprised of Plaintiffs' counsel in several of the cases that were filed subsequent to the initial *Reichbart* and *Stallone* actions. *Id.* As explained in the Amended Motion, Plaintiffs' counsel attempted to self-organize the initial group of cases in a manner consistent with the private ordering process called for under the Manual for Complex Litigation and in Judge Wolson's opinion in *Nelson v. Connexin Software Inc.*, No. 2:22-cv-04676-JDW, 2023 WL 2721657 (E.D. Pa. Mar. 30, 2023).

On May 24, 2024, counsel for FBCS filed a response to the Amended Motion indicating that FBCS 1) does not oppose the request to consolidate the 14 cases pending against it in this Court and 2) takes no position on the requested lead counsel appointments. ECF No. 12.

On May 31, 2024, counsel for Intervenor Dustin Busby – who filed case number 12 on May 17 – filed a motion to intervene and to set a deadline for filing motions to appoint interim co-lead counsel.

B. Response to Intervenor Busby's May 31 Motion

Plaintiff Reichbart and the other Plaintiffs who joined in Reichbart's Amended Motion do

not oppose Intervenor Busby's motion to the extent it requests that the Court set a deadline of June 7, 2024 for competing or alternative motions for appointment of lead counsel.

Plaintiff Reichbart takes no position on Intervenor Busby's request to intervene in his case, other than to note that the motion does not specify whether Busby seeks intervention as of right under Fed. R. Civ. P. 24(a) or permissive intervention under Fed. R. Civ. P. 24(b), nor does the motion explain how the applicable Fed. R. Civ. P. 24 factors are satisfied in this case.

On June 3, 2024, Coordinated Plaintiffs' counsel conferred with counsel for Intervenor Busby about Busby's motion. With the private ordering process in mind, and in hopes of avoiding a contested lead counsel proceeding, Coordinated Plaintiffs' counsel offered Intervenor Busby's counsel—Mr. Yanchunis from Morgan & Morgan—an opportunity to join Coordinated Plaintiffs' proposed leadership team as a member of the proposed executive committee. Counsel for Intervenor Busby rejected the offer.

Respectfully submitted,

Dated: June 3, 2024

/s/ Andrew Ferich
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Proposed Plaintiffs Liaison Counsel

**pro hac vice* pending or to be filed

Certificate of Service

The undersigned certifies that on this 3rd day of June 2024, a true and correct copy of the above and foregoing was filed with the Clerk of Court via the Court's CM/ECF system for electronic service on all counsel of record.

Dated: June 3, 2024

/s/ Andrew Ferich

Andrew Ferich (PA I.D. 313696)